

Legislative Fiscal Bureau

Fiscal Note

HF 2495 - Restraining Order for Sexual Abuse (LSB 6259 HV)
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Fiscal Note Version - New
Requested by Representative Mark Tremmel

Description

House File 2495 provides for the issuance of no-contact orders to protect victims of first, second, and third degree sexual abuse; their immediate family members; and other people who may reside with victims of sexual abuse. The no-contact order is available at the time of the arrest of the person accused of sexually abusing the victim. People who violate no-contact orders are subject to summary contempt proceedings.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. During FY 2001, 687 people were charged with sexual abuse crimes covered by the Bill. It is not known to what extent the victims and families involved applied for and received restraining orders against these offenders.
6. During FY 2001, 228 people were charged but not convicted of offenses covered by the Bill. Another 138 people were convicted of these offenses but not sentenced to prison. Therefore, it is possible that restraining orders against 366 people may be issued annually.
7. For offenders incarcerated for the offenses covered by HF 2495, they would not be released to the community during the five-year no-contact order period. There is no readily available information with which to estimate how many victims and families will apply for and receive extensions of those no-contact orders.
8. Approximately 7.0% of convicted domestic abuse offenders are later cited for violations of no-contact orders, based on tracking cases over a 3.5-year period.
9. A representative sample of offenders placed on the sex offender registry during 1998, who were initially charged with offenses covered by HF 2495, show that approximately 37.0% had victims who were family members.
10. It is assumed that 135 (37.0%) of the estimated 366 offenders per year had family member victims. It is assumed that 9 offenders (7.0% of 135 offenders) will be convicted of violations of no-contact orders and receive county jail sentences.
11. Offenders convicted of violations of no-contact orders will serve 32 days in the county jail. The marginal cost per day for county jails ranges from \$15 to \$25 per offender.
12. Average court costs for a restraining order range from \$20 to \$30. Average court costs for summary contempt range from \$70 to \$75. These figures include the costs of a Magistrate or District Associate Judge, Clerk of Court staff, a court attendant, and court reporter.
13. The median cost per proceeding for indigent defense summary contempt is \$250.

Correctional Impact

House File 2495 is anticipated to increase jail admissions by six during FY 2003, and by nine each year thereafter. Admissions may increase in future years as inmates covered under the Bill are released, and have no-contact orders issued against them, which they subsequently violate. Each person admitted to the county jail will serve 32 days.

Fiscal Impact

Total State criminal justice system costs, including costs for indigent defense and the Judicial Branch, are expected to be minimal.

Counties are expected to incur additional costs for jail operations, however, the costs are expected to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
State Public Defender's Office
Iowa Supreme Court

/s/ Dennis C Prouty

February 27, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
